

**SHORELAND ZONING ORDINANCE**  
**EMBDEN, MAINE**  
**June 21, 2004**

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SHORELAND ZONING ORDINANCE  
EMBDEN, MAINE

**ARTICLE 1 - PURPOSES:**

This ordinance is enacted to comply with Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.) and in the shoreline areas, to preserve healthful environment, wildlife habitats, shore cover and natural beauty and to prevent water pollution and over development.

**ARTICLE 2 - APPLICABILITY**

2.1 SHORELINE AREAS - This Ordinance applies to all land areas within 250 feet, horizontal distance, of the normal high-water line of any great pond, or river; within 250 feet, horizontal distance, of the upland edge of a freshwater wetland; and within 75 feet, horizontal distance, of the normal high-water line of a stream. This Ordinance also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending beyond the normal high-water line of a waterbody or within a wetland.

**ARTICLE 3 - SHORELINE ZONING DISTRICTS:**

The two hundred and fifty foot (250') deep belt of land immediately surrounding the shoreline areas described in Article 2 is hereby divided into categories of districts for varying uses as described in Articles 3.1; 3.2; 3.3; 3.4 and 3.5. Also included is the seventy-five foot (75') deep belt of land as described in Article 2. These districts are shown on the attached map and its accompanying list, both of which are integral portions of this Ordinance. Unless described otherwise in said list, the side boundaries of zoning districts shall run inland perpendicularly from the average contour of the normal high water mark. The categories of the districts are:

3.1 RESOURCE PROTECTION DISTRICT shall include areas where development would unduly harm wildlife, water quality or other items having particular need for preservation. This District shall include: Bogs, swamps and other identified wetlands; valuable wildlife areas specified by the State or the town; flood-plain areas as shown by flood-of-record or by recent flood-plain soils; two-acre areas having slopes greater than 20%; and areas containing significant wildlife, beauty, artifacts or other items worthy of special preservation as designated by due process. This District will be less than 250' deep when included within the shoreline sector of a Laterally Split District.

3.2 LIMITED RECREATIONAL-RESIDENTIAL DISTRICT shall be that portion of the shoreline zone not within any other zoning district, and the rear (inland) sector of a Laterally Split District.

3.3 LATERALLY-SPLIT DISTRICTS shall have a belt of Resource Protection District of specified depth inland from the shoreline, behind which there shall be Limited Recreational -Residential District for the balance of the 250' depth inland. Lots shall have a straight-line shore frontage of five hundred feet (500) as a condition for construction or development within the Limited Recreational-Residential District sector. There shall be two such Laterally-Split Districts. The seventy-five Foot Laterally-Split District (75' LSD) shall have a Resource Protection District belt extending 75' inland. The One Hundred Foot Laterally-Split District (100' LSD) shall have a Resource Protection District belt extending 100' inland.

3.4 STREAM PROTECTION DISTRICT includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water line of a great pond, river, or within two hundred and fifty (250) feet, horizontal distance, of the upland edge of a freshwater wetland. Where a stream and its associated shoreland area is located within two-hundred and fifty (250) feet horizontal distance, of the above waterbodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that waterbody or wetland.

3.5 LIMITED COMMERCIAL DISTRICT includes areas of mixed, light commercial and residential uses, exclusive of the Stream Protection District. This District includes areas of two or more contiguous acres in size devoted to a mix of residential and low intensity business and commercial uses. Industrial uses are prohibited.

3.6 GENERAL DEVELOPMENT DISTRICT shall include areas of two or more acres already in use for commercial or industrial purposes.

#### **ARTICLE 4 - NON CONFORMING USES**

4.1 PURPOSE: Non-conforming uses are the hitherto legal structures, works, or practices which do not conform with the protective standards of this Ordinance.

4.2 GENERAL: The Ordinance has been enacted for the joint protection of everybody. Accordingly, although non-conforming uses may continue, be repaired and be maintained, or if approved by the CEO, may be moved inland to conform with this Ordinance, no non-conforming use may add to its enclosed, livable space or otherwise be

expanded, changed to another non-conforming use or renewed after a 12-month abandonment except as listed in Section 4.3.

4.2.1 - Transfer of Ownership - Except as otherwise provided by State Statute or Municipal Ordinance, non-conforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

4.2.2 - Repair and Maintenance. This Ordinance allows, without a permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations which do not involve expansion of the non-conforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.

A. Installing new or replacement exterior siding, roofing, doors or windows of similar size.

B. Installing new or replacement skylights or chimneys.

4.3 EXCEPTIONS: Regardless of the foregoing, nothing in this article shall prohibit the following:

4.3.1 - Improving water supply and sewage disposal systems so that they comply with the State of Maine Internal Plumbing and Subsurface Wastewater Rules.

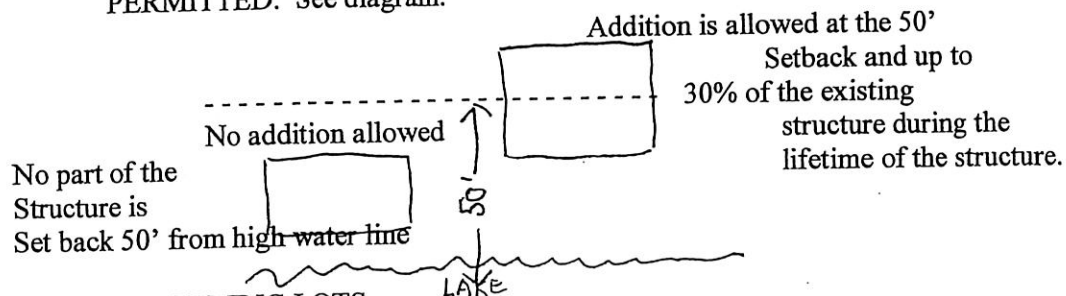
4.3.2 - No structure which is less than the required setback from the high-water line of a waterbody, tributary stream, or upland edge of a wetland shall be expanded toward the waterbody, tributary stream, or wetland.

4.3.3 - Installing new or replacement exterior siding, roofing, doors or windows.

4.3.4 - Installing new or replacement skylights or chimneys.

4.3.5 - After January 1, 1992, an addition is allowed at the 50' set back and up to 30% of the existing structure during the lifetime of the structure, provided the total structures do not cover 20% of the lot.

NOTICE --- EXPANSIONS OF ANY PORTION OF A STRUCTURE LYING WITHIN 50' OF THE NORMAL HIGH WATER MARK ARE NOT PERMITTED. See diagram.



4.4 NON-CONFORMING LOTS:

4.4.1 - Non-conforming Lots: A non-conforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need of a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all

provisions of this Ordinance except lot size and frontage can be met. Variances relating to setback or other requirements not involving lot size or frontage shall be obtained by action of the Board of Appeals.

4.4.2 - Contiguous Built Lots: If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the Subsurface Waste-water Disposal Rules are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this ordinance, each may be sold on a separate lot provided that the above referenced law and rules are complied with. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance.

4.4.3 - Contiguous Lots - Vacant or Partially Built: If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots may be conveyed separately or together provided they have at least 100' of shore frontage, 20,000 square feet of lot area, and soils suitable for on-site sewage disposal.

#### 4.5- Non-conforming Structures

4.5.1 - Expansions. A non-conforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure and is in accordance with subparagraphs (a) and (b) below.

(a) After January 1, 1989 if any portion of a structure is less than the required setback from the normal high-water line of a water body or upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30% or more, during the lifetime of the structure.

(2) Construction or enlargement of a foundation beneath the existing structure shall not be considered an expansion of the structure provided:

(i) The structure and new foundation are placed such that the setback requirement is met to the greatest practical extent as determined by the planning board or its designee, basing its decision on the criteria specified in subsection 4.5.2 - Relocation below.

(ii) The completed foundation does not extend beyond the exterior dimensions of the structure; and

(iii) The foundation does not cause the structure to be elevated by more than three (3) additional feet.

4.5.2- Relocation - A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules, or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more non-conforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation

4.5.3 - Reconstruction or Replacement. Any non-conforming structure which is located less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland and which is removed, or damaged or destroyed by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within one year of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity.

Any non-conforming structure which is damaged or destroyed by 50% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place with a permit from the Planning Board.

In determining whether the building reconstruction or replacement meets the water setback to the greatest practical extent the Planning Board shall consider in addition to the criteria in paragraph 4.5.3 above, the physical condition and type of foundation present, if any.

4.5.4 Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board after receiving written application determines that the new use will have no greater adverse impact on the water body or wetland, or on the subject or adjacent properties and resources than the existing one.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management archaeological and historic resources, and other functionally water-dependent uses.

#### 4.6 - Non-conforming Uses

4.6- Expansions. Expansions of non-conforming uses are prohibited, except that non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as permitted in Section 4.5.1 (a).

4.6.1 Resumption Prohibited. A lot, building or structure in or on which a non-conforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a non-conforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

4.6.2 Change of Use. An existing non-conforming use may be changed to another non-conforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources, than the former use, as determined

by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 4.5.4.

**ARTICLE 5 - LAND USE STANDARDS:** Shoreline area land uses shall observe the following:

5.1 AGRICULTURE

5.1.1 - Manure and Manure Sludge shall be spread on land only under conditions that encourage absorption and inhibit effluent run-off. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond or a river, or within seventy-five (75) feet, horizontal distance, of other waterbodies, tributary streams, or wetlands. Within five (5) years of the effective date of this ordinance all manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water. Existing facilities which do not meet the setback requirement may remain, but must meet the no discharge provision within the above five (5) year period.

5.1.2 - There shall be no new tilling of soil within one-hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance, from other waterbodies; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Operations in existence on the effective date of this ordinance and not in conformance with this provision may be maintained.

5.1.3 - Over a Half Acre of Soil, or any soil in a Resource Protection District, shall only be tilled in conformance with a Conservation Plan meeting the standards of the State Soil and Water Conservation District and the Plan number filed with the Planning Board.

5.1.4 - After the effective date of this Ordinance, newly established livestock grazing areas shall not be permitted within the one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond; within seventy-five (75) feet, horizontal distance of other waterbodies, nor; within twenty-five (25) feet, horizontal distance, of tributary streams, and wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a Soil and Water Conservation Plan.

5.2 BEACH CONSTRUCTION requires a permit from the Maine State Department of Environmental Protection.

5.3 CAMPGROUNDS AND INDIVIDUAL PRIVATE CAMPGROUNDS

5.3.1 - In addition to State requirements, campgrounds shall have at least 5,000 square feet area for each camping site, roadway and driveways excluded. Land supporting wetland vegetation, and land below the normal high-waterline of a waterbody shall not be included in calculating land area per site. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of one hundred (100) feet from the normal high-water line of a great pond or river, and seventy-five (75) feet from the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland.

5.3.2 - Individual Private Campsites not associated with campgrounds are permitted provided the following conditions are met:

5.3.2.1 - One campsite per lot existing on the effective date of this Ordinance, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.

5.3.2.2 - Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100' from the normal high-water line of a great pond and 75' from the normal high-water line of other waterbodies, tributary streams or the upland edge of a wetland.

5.3.2.3 - Recreational vehicles shall not be located on any type of permanent foundation except for gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

5.3.2.4 - The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to 1,000 square feet.

5.3.2.5 - A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.

5.3.2.6 - When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

#### 5.4 CLEARING OF THE SHORELINE AREA

Within a shoreland area zoned for Resource Protection abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. Elsewhere, in any Resource Protection District the clearing of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

5.4.1 - Except in area as described in Article 5.4, above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond and 75 feet, horizontal distance, from any other waterbody, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

5.4.1.1 - There shall be no cleared opening greater than 250 square feet in the forest canopy as measured from the outer limits of the tree crown. However, a footpath not to exceed 6 feet in width as measured between tree trunks is permitted provided that a cleared line of sight to the water through the buffer strip is not created.

5.4.1.2 - Selective cutting of trees within the buffer strip is permitted provided that a well distributed stand of trees and other vegetation is maintained. For the purposes of this section a "well-distributed stand of trees and other vegetation" adjacent to a great pond, and streams flowing to a great pond shall be defined as maintaining a rating score of 12 or more in any 25 foot by 25 foot square (625 square feet) area as determined by the following rating system.

Diameter of Tree at 4 ½ feet Above Ground Level (inches)	POINTS
2 - 4 in.	1
>4 - 12 in.	2
>12 in.	4

Adjacent to other waterbodies, tributary streams, and wetlands, a "well-distributed stand of trees and other vegetation" is defined as maintaining a minimum rating score of 8 per 25-foot square area.

EXAMPLE: Adjacent to a great pond - if a 25' x 25' plot contains 3 trees between 2 and 4 inches in diameter, 3 trees between 4 and 12 inches in diameter, and 3 trees over 12 inches in diameter, the rating score is  $(3 \times 1) + (3 \times 2) + (3 \times 4) = 21$  points.

Thus, the 25' x 25' plot contains trees worth 21 points.

Trees totaling 9 points ( $21 - 12 = 9$ ) may be removed from the plot provided that no cleared openings are created. Notwithstanding the above provisions, no more than 40% of the total volume of trees 4" or more in diameter, measured at 4 ½' above ground level may be removed in any 10 year period.

5.4.1.3 - In order to protect water quality and wildlife habitat, adjacent to great ponds, streams and rivers, existing vegetation under 3 feet in height and other ground cover shall not be removed, except to provide for a footpath or other permitted uses as described in 5.4.1.1 and 5.4.1.2.

5.4.1.4 - Pruning of tree branches on the bottom 1/3 of the tree is permitted.

5.4.1.5 - In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

5.4.1.5.1 - The provisions contained in 5.4.1.1 shall not apply to those portions of public recreational facilities adjacent to public swimming areas. Cleared areas, however, shall be limited to the minimum area necessary.

5.4.2 - At distances greater than 100' horizontal distance from a great pond and 75' horizontal distance from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, except to allow for the development of permitted uses, there shall be permitted on any lot, in any 10 year period, selective cutting of not more than 40% of the volume of trees 4 inches or more in diameter, measured 4½ feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40% calculation. For the purposes of these standards volume may be considered to be equivalent to the basal area.

5.4.2.1 - In no event shall cleared openings for development, including but not limited to, principal and accessory structures, driveways and sewage disposal areas, exceeded in the aggregate, 25% of the lot area or 10,000 square feet, whichever is greater, including land previously developed.

5.4.3 - Cleared openings legally in existence on the effective date of this Ordinance may be maintained, but shall not be enlarged, except as permitted by this Ordinance.

5.4.4 - Fields which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of this section.

## 5.5 EROSION AND SEDIMENTATION CONTROL

Any activities that open, move, or fill earth or soil shall prevent erosion and sedimentation. On slopes greater than 20% there shall be no grading or filling within 100' from the shoreline except to prevent erosion.

5.5.1 - In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

5.5.2 - Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

5.5.3 - Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

5.5.3.1 - Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

5.5.3.2 - Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

5.5.3.3 - Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5.5.3.4 - Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a 25 year storm or greater, and shall be stabilized with vegetation or lined with riprap.

5.5.3.5 - All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall require a written soil erosion and sedimentation control plan. The plan shall be submitted to the local permitting authority for approval and shall include, where applicable, provisions for:

5.5.3.5.1 - Mulching and revegetation of disturbed soil.

5.5.3.5.2 - Temporary runoff control features such as hay bales, silt fencing or diversion ditches.

5.5.3.5.3 - Permanent stabilization structures such as retaining walls or riprap.

## 5.6 MINERAL EXPLORATION AND EXTRACTION

Creating disturbed areas of less than 100 square feet of ground surface are permissible using minimum disturbance methods such as hand boring and sampling. A Planning Board permit is required for mineral exploration that creates a disturbed area of more than 100 square feet of ground surface. All excavations, including test pits and holes shall be immediately capped, filled or secured by other equally effective measures, so as to restore disturbed areas and to protect the public health and safety.

5.6.1 - MINERAL EXTRACTION - Mineral extraction may be permitted under the following conditions:

5.6.1.1 - A reclamation plan shall be filed with, and approved by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfil the requirements of 5.6.1.3.

5.6.1.2 - Unless authorized pursuant to the Natural Resources Protection Act, Title 38 M.R.S.A., Section 480-C no part of any extraction operation, including draining and runoff control features shall be permitted within 100 feet of the normal high water line of a great pond or a river flowing to a great pond and within 75 feet of the normal high water line of any other waterbody, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within 75 feet of any property line, without written permission of the owner of such adjacent property.

5.6.1.3 - Within 12 months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than 100 cubic yards of materials are removed in any consecutive 12 month period, ground levels and grades shall be established in accordance with the following:

5.6.1.3.1 - All debris, stumps, and similar material shall be removed for disposal in an approved location, or shall be buried on-site. Only material generated on-site may be buried or covered on-site.

5.6.1.3.2 - The final graded slope shall be two to one (2:1) slope or flatter.

5.6.1.3.3 - Top soil or loam shall be retained to cover all disturbed land areas which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

5.6.1.4 - In keeping with the purpose of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

## 5.7 PIERS, BREAKWATERS, BRIDGES AND DOCKS

5.7.1 - Access from shore shall prevent erosion. The facility shall be located on appropriate underlying soils; shall not interfere with either natural or existing beaches nor fisheries, nor be larger than necessary for the purpose and the character of the area.

5.7.2- No new or existing structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity, nor shall be converted to residential dwelling units in any district.

## 5.8 LAND USE STANDARDS

5.8.1 - RESIDENTIAL LOTS shall have at least 40,000 square feet for each single family residence with at least 200 feet shore frontage on the water and at least 200 feet straight-line frontage on the rear and between side boundaries. Structures, parking areas, and other non-vegetated surfaces shall not cover more than 20% of any lot.

5.8.2 - COMMERCIAL LOTS shall have at least 75,000 square feet per principal structure with at least 300 feet shore frontage on the water and at least 300 feet straight-line frontage on the rear and between side boundaries.

5.8.2.1 Commercial and Industrial Uses, The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemical, including herbicides, pesticides or fertilizers other than amounts normally associated with individual households or farms.
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer
- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

5.8.3 - PUBLIC AND PRIVATE RECREATIONAL FACILITIES shall have at least 75,000 square feet per lot with at least 300 feet shore frontage on the water and at least 300 feet straight-line frontage on the back and between the side boundaries.

5.8.4 Lots within subdivisions shall have at least five (5) acres for development with at least 200 feet straight-line frontage on the road between the side boundaries.

5.8.5 Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

5.8.6 Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

5.8.7 The minimum lot width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be no less than the shore frontage standard. See Section 5.8.1, 5.8.2 and 5.8.3.

## 5.9 ROAD AND DRIVEWAY(S) CONSTRUCTION

5.9.1 - Roads and driveways shall be set back at least 100' from the normal high-water line of a great pond and 75' from the normal high-water line of other waterbodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the Planning Board may reduce the road and/or driveway setback requirement to no less than 50' upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the waterbody, tributary stream or wetland.

5.9.2 - New roads and driveways are prohibited in a Resource Protection District except to provide access to permitted uses within the district, or as approved by the Planning Board upon a finding that no reasonable alternative route or location is available outside the district, in which case the road and/or driveway shall be set back as far as practicable from the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland.

5.9.3 - In order to prevent road surface drainage from directly entering waterbodies, roads shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a waterbody, tributary stream, or upland edge of a wetland. Road surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer.

5.9.4 - Roads shall be located, constructed and maintained to minimize erosion. Roads shall also: Cross watercourses only when essential; have culvert bottoms at streambed levels; have raw banks and other exposed mineral soils replanted or otherwise stabilized; and have adequate culverts/bridges for all water crossings except when given a permit to omit same by the Planning Board.

5.9.5 Ditches, culverts, bridges, dips, water turnouts and other storm water runoff control installations associated with roads shall be maintained on a regular basis to assure effective functioning.

5.9.6 Parking Areas

5.9.6.1 Parking areas shall meet the shoreline setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities, in Districts other than the General Development may be reduced to no less than fifty-(50) feet from the normal high-water line or upland edge of a wetland if the Planning board finds that no other reasonable alternative exists.

5.9.6.2 Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, and where feasible, to retain all runoff on-site.

5.9.6.3 In determining the appropriate size of proposed parking facilities, the following shall apply:

1. Typical parking space: Approximately ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

2. Internal Travel aisles: Approximately twenty (20) feet wide.

5.10 SEWAGE DISPOSAL SYSTEMS shall conform with the State of Maine Subsurface Wastewater Disposal Rules.

5.10.1.1 - The minimum setback for subsurface sewage disposal systems shall be no less than one hundred (100) horizontal feet from the normal high water line of a waterbody. The minimum set back distances from water bodies for new subsurface sewage disposal systems shall not be reduced by variance.

5.10.1.2 - Replacement systems shall meet the standards for replacement systems as contained in the Subsurface Wastewater Disposal Rules.

5.10.2 - By December 31, 1999, owners of all properties located within the Shoreland Zone (as defined in Article 3) and inhabited more than two (2) months shall:

5.10.2.1 - Provide documentation in the form of a system permit or certificate of approval that the existing system was installed after July 1, 1974 and is in substantial compliance with the current State of Maine Subsurface Wastewater Disposal Rules, or

5.10.2.2 - Install a new subsurface wastewater disposal system in accordance with the current State of Maine Subsurface Wastewater Disposal Rules.

5.10.3 - Failure to comply with this Section by December 31, 1999 shall constitute a violation of the Embden Shoreline Zoning Ordinance and will be subject to enforcement action in accordance with Section 6.6.

5.10.4 - By December 31, 2002 all properties as defined in Article 3 of the shoreline zone and inhabited less than two (2) months shall:

5.10.4.1 - Provide documentation in the form of a system permit or certificate of approval that the system was installed after July 1, 1974 and is in substantial compliance with the current State of Maine Subsurface Wastewater Disposal Rules, or

5.10.4.2 - Install new subsurface wastewater disposal system in accordance with the current State of Maine Subsurface Wastewater Disposal Rules.

5.10.4.3 - Failure to comply with this section by December 31, 2002 shall constitute a violation of the Embden Shoreline Zoning Ordinance and will be subject to enforcement action in accordance with Section 6.6.

## 5.11 SIGNS

5.11.1 - Signs relating to goods and services are permissible only if the goods and services are rendered on the premises. These signs shall not be over six square feet in size and are limited to two per premises. The same limitations apply to all name signs for businesses or residences.

5.11.2 - Residences may be advertised for sale, rent, or lease by a single on-premises sign not over three square feet in size.

5.11.3 - "No Trespassing" signs and similar are unrestricted except that none shall be larger than two square feet in size.

5.11.4 - No sign shall extend more than 20' above ground, nor be illuminated except by shielded, non-flashing light.

## 5.12 SOILS

5.12.1 - All uses of land shall be appropriate to the underlying soils so that there shall be no soil erosion, mass movement or water pollution at any time. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of the characteristics of soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

### 5.13 STRUCTURES

5.13.1 Structures shall be at least one hundred (100) horizontal feet inland from the normal high water mark of a great pond and 75 feet from other waterbodies, tributary streams, and wetlands. Structures shall be at least 48 horizontal feet inland from the centerline of roadways and 15 horizontal feet inland from property lines. The total area of all structures, parking lots and other non-vegetated surfaces, within the shoreland zone shall not exceed 20% of the lot or a portion thereof, located within the shoreland zone, including land area previously developed, except in the General Development District adjacent to rivers where lot coverage shall not exceed seventy (70) percent.

5.13.2 The Ground Floor including basement of, or any openings into structures, shall be at least two feet above the flood of record or the flood plain level as identified by recent flood-plain soils.

5.13.3 Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Limited Residential, Limited Commercial, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.

### 5.14 TIMBER HARVESTING

5.14.1 - No slash shall be left within 100 horizontal feet of any normal high water mark, a waterbody, and inland from there no slash shall be more than four (4) feet above ground.

5.14.1.1 Timber harvesting equipment shall not use stream channels as travel routes.

5.14.1.2 All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.

5.14.1.3 Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.

5.14.2 - Timber harvesting shall be timed and conducted to minimize erosion.

5.14.3 - Erosion-Prevention Belt: Between the normal high water line of a waterbody or tributary stream; or the upland edge of a wetland and anywhere that skid trails, log yards, etc., expose any substantial amount of mineral soil, there shall be a minimum buffer strip of at least seventy-five (75) feet in width for slopes up to ten (10) percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten (10) percent increase in slope, the unscarified strip shall be increased by twenty (20) feet. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no "portion of such exposed mineral soil on a back face shall be closer than twenty-five (25 ) feet from the normal high-water line of a water body or upland edge of a wetland.

5.14.4 - Within 100' of a great pond and 75' of other waterbodies and wetlands, the timber cut during any ten year period measuring four (4) inches or more in diameter at 4 ½ feet above ground level shall not exceed forty (40) percent of that available in a uniform stand of trees.

5.14.5 - Where essential for proper timber management, the Planning Board may allow exceptions to Sections 5.14.3-4 above, if the conditions otherwise conform with Section 6.2.3.2.

5.14.5.1 Timber harvesting operations exceeding the 40% limitation in Section 5.14.4 above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and

will be carried out in accordance with the purposes of this Ordinance. The planning board shall notify the Commissioner of the Department of Environmental Protection of each exception allowed, within fourteen (14) days of the planning board's decision.

5.14.6 - Within the strip of land extending 75' inland from the normal high-water line in a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting, except to remove safety hazards.

5.14.7 - At distances greater than 100' horizontal distance, of a great pond and greater than 75' horizontal distance of the normal high-water line of other waterbodies, or the upland edge of wetland, harvesting operations shall not create single clear-cut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet, they shall be at least 100' apart. Such clear-cut openings shall be included in the calculation of total volume removal. For the purposes of these standards volume may be considered to be equivalent to basal area.

## 5.15 WATER QUALITY PROTECTION

5.15.1 No person or activity shall permit the discharge of anything on the ground or into public waters that adds debris or contaminates such water or renders it irritating or harmful to any life at all.

5.15.2 The deliberate burning of structures or construction debris within 250 feet of great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA is prohibited.

## 5.16 ARCHAEOLOGICAL SITES

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commissioner prior to rendering a decision on the application.

## **ARTICLE 6 - ADMINISTRATION**

6.1 ADMINISTERING OFFICERS: As provided herein, this Ordinance shall be administered by a Code Enforcement Officer, a Planning Board and an Appeals Board, all of whom shall be appointed by the selectmen in compliance with law. The Code Enforcement Officer shall not sit on either Board, nor shall any Board member sit on both Boards simultaneously.

### **6.2 PERMITS**

#### **6.2.1 - Requirement for Permits**

6.2.1.1 - For the shoreline zones, no activity involving or necessitating any plumbing whatsoever shall be granted a permit until the applicant secures a plumbing permit showing compliance with this Ordinance and State Plumbing Regulations

6.2.1.2 As shown in the following chart, certain uses of land in shoreline zones require permits and certain other uses of land prohibited. In addition to what is shown on the following chart, a permit shall be required from the code Enforcement Officer and Planning Board for any new exterior construction or exterior remodeling of structures within any Shoreline Zone.

6.2.1.3 Expiration of a Permit Following the issuance of a permit, if no substantial start is made in construction or in the use of the property within two (2) years of the date of the permit, the permit shall lapse and become void. Another permit or permits may be issued for work not completed, if that work is listed on the previously issued permit, only after property on-site inspection. These permits will be issued at no additional fee.

6.2.2 Application for Permits: Applications for permits shall be submitted to the Code Enforcement Officer or the Planning Board in writing. The Code Enforcement Officer or Planning Board shall request any additional information he/she/they need to evaluate the application.

(1) Every application shall be a written application, including a scaled site plan, on a form provided by the Town of Embden.

(2) All Applications shall be signed by the owner or owners of the property or other person authorizing the work, certifying that the information in the application is complete and correct. If the person signing the application is not

the owner or lessee of the property then that person shall submit a letter or authorization from the owner or lessee.

(3) All applications shall be dated, and the Code Enforcement Officer or Planning Board, as appropriate, shall not upon each application the date and time of its receipt.

(4) If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Plumbing Inspector, shall be submitted whenever the nature of the proposed structure would require the installation of a subsurface sewage disposal system.

#### 6.2.3 - Approval of Permits

6.2.3.1 - Permits shall be granted or denied within 30 days from receipt of a sufficient, completed application. Permits shall be granted in all cases where the proposed construction or land use conforms with this and other ordinances and with State laws and regulations.

6.2.3.2 - The Planning Board and approved by Code Enforcement may grant a permit where he/she finds that, except as specifically exempted in this Ordinance, the proposed use:

6.2.3.2.1 - Will not result in unsafe or unhealthful conditions.

6.2.3.2.2 - Will not result in erosion, sedimentation, water pollution, or damage any form of wildlife or their habitat.

6.2.3.2.3 - Will conserve shoreland vegetation and visual access to the waters, natural beauty and actual points of public access to waters,

6.2.3.2.4 - Will avoid problems of flood plain development and use.

6.2.3.2.5 - Conforms with the standards of ARTICLE 5 herein.

6.2.3.2.6 - Will adequately provide for the disposal of all wastewater.

6.2.3.2.7 - Will protect archaeological and historic resources as designated in the comprehensive plan.

6.2.3.3 - Any permit granted may be made subject to reasonable conditions to ensure compliance with this Ordinance and its purpose.

#### 6.2.4 - Records

Copies of all permits, warnings, records, correspondence, date and memos issued or received by the Planning Board, Appeals Board or Code Enforcement Officer shall be maintained as permanent records and delivered to the Town Clerk for safekeeping on or before the first day of each calendar quarter.

### 6.3 APPEALS TO THE EMBDEN BOARD OF APPEALS

Upon written application from an owner or other aggrieved party, the Board of Appeals shall hear appeals from the decisions of the Code Enforcement Officer or the Planning Board. Such appeal shall be taken within thirty (30) days of the date of the decision appealed from. The Board of Appeals may void a decision of the Code Enforcement Officer or the Planning Board only on grounds that the voided decision violated specific sections of this Ordinance. The Board of Appeals may also grant variances as stated in Section 6.4 below.

6.3.1 Power and Duties of the Board of Appeals. The Board of Appeals shall have the following powers;

- (1) Administrative Appeals: To hear and decide appeals where it is alleged that there is an error in any order, requirement, or determination made by, or failure to act by, the Code Enforcement Officer or Planning Board in the administration of this Ordinance.
- (2) Variance Appeals: To authorize variances upon appeal, with the limitations set forth in this Ordinance

6.4 - VARIANCES - Variances may be permitted only under the following conditions:

6.4.1 Variances may be granted only from dimensional requirements including but not limited to, lot width, structure height, percent of lot coverage, and setback requirements.

6.4.2 Variances shall not be granted for establishment of any uses otherwise prohibited by this Ordinance.

6.4.3 The Board of Appeals shall not grant a variance unless it finds that:

6.4.3.1 The proposed dwelling or use would meet the provisions of Article 5 except for the specific provision which has created the non-conformity and from which relief is sought; and

6.4.3.2 The strict application of the terms of this Ordinance would result in undue hardship. The term "undue hardship" shall mean:

a. That the land in question cannot yield a reasonable return unless a variance is granted;

b. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

c. That the granting of a variance will not alter the essential character of the locality; and

d. That the hardship is not the result of action taken by the applicant or a prior owner.

6.4.4 The Board of Appeals may grant a variance to a property owner for the purpose of making that property accessible to a person with a disability who is living on the property. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the construction of dwellings necessary for access to or egress from the property by the person with the disability. The board may impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives on the property. The term "dwellings necessary for access to or egress from the property" shall include railing, wall or roof systems necessary for the safety or effectiveness of the dwelling.

6.4.5 The Board of Appeals shall limit any variances granted as strictly as possible in order to insure conformance with the purposes and provisions of this Ordinance to the greatest extent possible, and in doing so may impose such conditions to a variance, as it deems necessary. The party receiving the variance shall comply with any conditions imposed.

6.4.6 A copy of all variances granted by the Board of Appeals shall be submitted to the Department of Environmental Protection within fourteen (14) days of the decision.

#### 6.4.7 - MAKING AN APPEAL

6.4.7.1 Such appeal shall be made by filing with the Board of Appeals a written notice of appeal which includes a concise written statement indicating what relief is requested and why it should be granted and a sketch drawn to scale showing lot lines, location of existing buildings and structures and other physical features of the lot pertinent to the relief sought.

6.4.7.2 The Board of Appeals shall hold a public hearing on the appeal within thirty-five (35) days of its receipt of an appeal request.

#### 6.4.8 - DECISION BY BOARD OF APPEALS

6.4.8.1 A majority of the board shall constitute a quorum for the purpose of deciding an appeal. A member who abstains shall not be counted in determining whether a quorum exists.

6.4.8.2 The concurring vote of a majority of the members of the Board of Appeals present and voting shall be necessary to reverse an order, requirement, decision, or determination of the Code Enforcement Officer or Planning Board, or to decide in favor of the applicant on any matter on which it is required to decide under this Ordinance, or to affect any variation in the application of this Ordinance from its stated terms. The board may reverse the decision, or failure to act, of the Code Enforcement Officer or Planning Board only upon a finding that the decision, or failure to act, was clearly contrary to specific provisions of this Ordinance.

6.4.8.3 The person filing the appeal shall have the burden of proof.

6.4.8.4 The Board shall decide all appeals within thirty-five (35) days after the close of the hearing, and shall issue a written decision on all appeals.

6.4.8.5 All decisions shall become a part of the record and shall include a statement of findings and conclusions as well as the reasons or basis therefor, and the appropriate order, relief or denial thereof.

## 6.5 APPEAL TO THE SUPERIOR COURT

In compliance with State law, any aggrieved party may further appeal a decision of the Board of Appeals to the Superior Court within 45 days.

## 6.6 ENFORCEMENT

6.6.1 Nuisances - Any violation of this Ordinance shall be deemed to be a nuisance.

6.6.2 Code Enforcement Officer - It shall be the duty of the Code Enforcement Officer to enforce the provisions of this Ordinance. If the Code Enforcement Office shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the municipal officers and be maintained as a permanent record.

6.6.2.2 The Code Enforcement Officer shall conduct on-site inspections to insure compliance with all applicable laws and conditions attached to permit approvals. The Code Enforcement Office shall also investigate all complaints of alleged violations of this Ordinance.

6.6.2.3 The Code Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected. On a biennial basis, a summary of this record shall be submitted to the Director of the Bureau of Land Quality control within the Department of Environmental Protection.

6.6.3 Legal Actions. When the above action does not result in the correction or abatement of the violation or nuisance condition, the Municipal Officers, upon notice from the Code Enforcement Officer, are hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines, that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the municipality. The municipal officers, or their authorized

agent, are hereby authorized to enter into administrative consent agreements for the purpose of eliminating violations of the Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized municipal official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety or will result in substantial environmental damage.

6.6.4 Fines. Any person, including but not limited to a landowner, a landowner's agent or a contractor, who orders or conducts any activity in violation of this Ordinance shall be penalized in accordance with Title 30A, Maine Revised Statutes Annotated, Subsection 4452.

6.6.4.1 The minimum penalty for a specific violation shall be \$100 per violation per day and the maximum penalty shall be \$2,500 per violation for each day that the violation continues. However, in resource protection district the maximum penalty shall be increased to \$5,000 per violation per day.

**TABLE OF LAND USES REQUIRING PERMITS AND OF LAND USES THAT ARE PROHIBITED**  
(Check also all requirements of ARTICLE 5)

<b>LAND USE ACTIVITY</b> (Refer also to specific Sections noted beside some titles below.)	<b>RESOURCE PROTECTION DISTRICT</b>	<b>LIMITED RESIDENTIAL-RECREATIONAL DISTRICT</b>	<b>LIMITED COMMERCIAL DISTRICT</b>	<b>STREAM PROTECTION DISTRICT</b>	<b>GENERAL DEVELOPMENT DISTRICT</b>
<u>Permits are required from:</u>					
<b>1. Agriculture (5.1)</b>	PB and CEO	PB and CEO	PB and CEO	PB and CEO	PB and CEO
<b>2. Campgrounds (5.3)</b>	(Prohibited)	PB and CEO	PB and CEO	(Prohibited)	PB and CEO
<b>3. Clearing of Shoreline Area for approved construction</b>	<u>2.</u> PB and CEO			PB and CEO	PB and CEO
<b>4. Excavation, Filling or other Earthmoving:</b> ... 10 cubic yards or less ... More than 10 cubic yards	PB and CEO PB and CEO	PB and CEO	PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO
<b>5. Parks and Recreation Areas involving only small structural development</b>	PB and CEO			PB and CEO	PB and CEO
<b>... Piers, docks, land bridges, etc. (5.7)</b> ... Temporary (Used less than 7 mo./yr.) ... Permanent (Used more than 7 mo./yr.)	PB and CEO PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO	PB and CEO PB and CEO
<b>7. Public Utilities</b>	PB and CEO				
<b>8. Road construction (5.9)</b>	(Prohibited)				
<b>9. Sewage Disposal Systems (5.10)</b>	(Prohibited)				
<b>10. Signs</b>					
<b>11. Small non-residential Educational or Scientific Facilities</b>	PB and CEO			<u>1.</u>	
<b>12. Structures (5.13)</b> ... Containing the Principal Activity of a Lot ... Residential ... Commercial ... Industrial ... Accessory to Permitted Uses	(Prohibited) (Prohibited) (Prohibited) PB and CEO	PB and CEO (Prohibited) (Prohibited) PB and CEO	PB and CEO PB and CEO (Prohibited) PB and CEO	PB and CEO (Prohibited) (Prohibited) PB and CEO	PB and CEO PB and CEO PB and CEO PB and CEO

<b>13. Timber Harvesting (5.14)</b>	PB and CEO				
... Uses similar to Permitted Uses	PB and CEO	PB and CEO	PB and CEO	PB and CEO	PB and CEO
... Similar to Uses Authorized by PB	PB and CEO	PB and CEO	PB and CEO	PB and CEO	PB and CEO
... Similar to Uses Authorized by CEO	PB and CEO	PB and CEO	PB and CEO	PB and CEO	PB and CEO
<b>15. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking.</b>					
<b>16. Forest Management Activities except for Timber Harvesting.</b>					
<b>17. Fire Prevention Activities</b>					
<b>18. Wildlife Management Practices</b>					
<b>19. Mineral Exploration (5.6)</b>				(Prohibited)	
<b>20. Mineral Extraction (5.6)</b> ... Including Sand and Gravel Extraction	(Prohibited)	PB and CEO	PB and CEO	(Prohibited)	PB and CEO

NOTE: A person performing any of the following activities shall require a permit from the Department of Environmental Protection pursuant to Title 38 M.R.S.A., Section 480-C if the activity occurs in, on, over or adjacent to any freshwater or coastal wetland, great pond, river, stream or brook and operates in such a manner that material or soil may be washed into them: A. Dredging, bulldozing, removing or displacing soil, sand, vegetation or other materials; B. Draining or otherwise dewatering; C. Filling, including adding sand or other material to a sand dune; or D. Any construction or alteration of any permanent structure.

KEY: PB ... Planning Board      CEO ... Code Enforcement Officer  
 Prohibited ... Land use/activity may not be authorized or conducted in the District indicated  
 Blank Line ... No permit required by the use must comply with all applicable land use standards.

NOTE: A person performing any activity in a flood plain area as designated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps shall require a permit from the CEO.

- FOOTNOTES:
1. Small non-residential or Scientific Facilities and Residential structures may only be allowed in a Stream Protection District if a variance is granted by the Board of Appeals.
  2. Clearing in a Resource Protection District is limited to safety hazards within 75 feet of a great pond.

## **ARTICLE 7 - EFFECTIVE DATE**

This ordinance shall not be effective unless approved by the DEP Commissioner; once approved, this Ordinance and its Amendments are effective upon adoption by the Town Meeting. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner of the Department of Environmental Protection for approval. If the Commissioner fails to act on this Ordinance within 45 days of his/her receipt of the Ordinance, it shall be automatically approved. Certified copies shall be filed with the Somerset County Registry of Deeds in compliance with the law. A copy of this Ordinance shall be furnished to any interested person for a nominal fee.

## **ARTICLE 8 - SEVERABILITY**

This section or provision of this Ordinance declared by the courts to be invalid shall not invalidate the remainder of this Ordinance.

## **ARTICLE 9 - AMENDMENT**

This Ordinance may be amended by a majority vote of the Town Meeting. Prior to the effective date of such amendments, a copy of them shall be forwarded to the DEP Commissioner by certified mail. A file of return receipts from such mailing shall be maintained as a permanent record.

## **ARTICLE 10 - DEFINITIONS**

**AGGRIEVED PARTY:** A person whose land is affected by grant or denial of a permit or variance under this Ordinance. Also a person whose land abuts land for which a permit or variance has been granted; or a group of five or more citizens of the Town who oppose such grant or denial of a permit or variance.

**AGRICULTURE** - The production, keeping or maintenance for sale or lease, of plants and/or animals, including but not limited to: forages and sod crops; grains and seed crops; dairy animals and dairy products; poultry and poultry products; livestock; fruits and vegetable; and ornamental; and green house products. Agriculture does not include forest management and timber harvesting activities.

**AQUACULTURE** - The growing or propagation or harvestable freshwater, estuarine, or marine plant or animal species.

**BASAL AREA** - the area of cross-section of a tree stem at 4 1/2 feet above ground level and inclusive of bark.

**BASEMENT** - any portion of a structure with a floor-to-ceiling height of 6 feet or more and having more than 50% of its volume below the existing ground level.

**BOAT LAUNCHING FACILITY** - a facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

**CAMPGROUND** - Any areas or tract of land to accommodate two (2) or more parties in temporary living quarters, including but not limited to, tents, recreational vehicles or other shelters.

**COMMERCIAL USE** - The use of lands, buildings, or structures, other than a "home occupation," defined below, the intent and result of which activity is the production of income from the buying and selling of goods and/or services, exclusive of rental of residential buildings and/or dwelling units.

**DECK** - A flat-floored roofless area.

**DIMENSIONAL REQUIREMENTS** - Numerical standards relating to spatial relationships, including but not limited to, setback, lot area, shore frontage and height.

**DISABILITY** - any disability, infirmity, malformation, disfigurement, congenital defect or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation or related services.

**DRIVEWAY** - A vehicular access-way less than five hundred (500) feet in length serving two lots or less.

**EMERGENCY OPERATIONS** - operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property and livestock from the threat of destruction or injury.

**ESSENTIAL SERVICES** - gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms

and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

**EXPANSION OF A STRUCTURE** - An increase in floor area or volume of a structure, including all extensions such as, but not limited to, attached: decks, garages, porches and greenhouses.

**EXPANSION OF USE** - The addition of weeks or months to a use's operating season; additional hours of operation; or the use of more floor area or ground area devoted to a particular use.

**FAMILY** - one or more persons occupying a premises and living as a single housekeeping unit.

**FLOOR AREA** - The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls, plus the horizontal area of any unenclosed portions of a structure such as porches and decks.

**FLOODWAY** - the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation by more than one foot in height.

**FOREST MANAGEMENT ACTIVITIES** - Timber cruising and other forest resource evaluation activities, pesticide or fertilizer application, management planning activities, timber stand improvement, pruning, regeneration of forest stands, and other similar or associated activities, exclusive of timber harvesting and the construction, creation or maintenance of roads.

**FORESTED WETLAND** - a freshwater wetland dominated by woody vegetation that is six (6) meters or 20 feet or taller.

**FOUNDATION** - The supporting substructure of a building or other structure including, but not limited to, basements, slabs, sills, posts or frostwalls.

**FRESHWATER WETLAND** - freshwater swamps, marshes, bogs and similar areas, other than forested wetlands, which are:

Of ten or more contiguous acres; or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres; and

Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

**FUNCTIONALLY WATER-DEPENDENT USES** - Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal and inland waters which cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities excluding recreational boat storage buildings, finfish and shellfish processing, fish storage and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aides, basins, channels, retaining walls, industrial uses dependant upon water-borne transportation or requiring large volumes of cooling or processing water and which cannot reasonably be located or operated at an inland site, and uses which primarily provide general public access to marine or tidal waters.

**GREAT POND** - Any inland body of water which in a natural state has a surface area in excess of ten acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purpose of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

**HEIGHT OF A STRUCTURE** - The vertical distance between the mean original grade at the downhill side of the structure and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. The maximum structure height in all shoreland districts, except the General Development District, shall be 35 feet.

**HOME OCCUPATION** - An occupation or profession which is customarily conducted on or in a residential structure or property and which is 1) clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and 2) which employs no more than two (2) persons other than family members residing in the home.

**INDIVIDUAL PRIVATE CAMPSITE** - An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include, but not be limited to, gravel pads, parking areas, fire places, or tent platforms.

**INDUSTRIAL** - The assembling, fabrication, finishing, manufacturing, packaging or processing of goods, or the extraction of minerals.

**LOT AREA** - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a waterbody or upland edge of a wetland and areas beneath roads serving more than two lots.

**MARINA** - a business establishment having frontage on navigable water, and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, boat and tackle shops and marine fuel service facilities.

**MARKET VALUE** - The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

**MINIMUM LOT WIDTH** - The closest distance between the side lot lines of a lot.

**MINERAL EXPLORATION** - Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

**MINERAL EXTRACTION** - Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed, away from the extraction site.

**MULTI-UNIT RESIDENTIAL** - a residential structure containing three (3) or more residential dwelling units.

**NON-CONFORMING LOT** - A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage or width requirements of the district in which it is located.

**NON-CONFORMING STRUCTURE** - A structure which does not meet any one or more of the following dimensional requirements; setback, height, or lot coverage, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**NON-CONFORMING USE** - Use of buildings, structures, premises, land or parts thereof which is not permitted in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

**NORMAL HIGH WATER MARK** - That line on the shores and banks of rivers, streams and ponds where the character of the soil and/or vegetation differs because of the prolonged action of the water. At that point, vegetation will change from predominantly aquatic to predominantly terrestrial. The soil will have evidence of erosion, siltation or protection from the effects of drying, and such chemical and bacteriological degradation as normally occurs on exposure to air.

**PERSONS** - an individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two or more individuals having a joint or common interest, or other legal entity.

**PIAZZA** - A flat-floored roofed area attached to a structure.

**PIERS, DOCKS, ETC.** - Piers, docks, wharves, bridges and other structures and uses extending over or beyond the normal high-water line or within a wetland.

**Temporary:** Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

**Permanent:** Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

**PORCH** - A flat-floored roofed area attached to a structure.

**PRINCIPAL STRUCTURE** - A building other than one which is used for purposes wholly incidental or accessory to the use of another building or use on the same premises.

**PRINCIPAL USE** - A use other than one which is wholly incidental or accessory to another use on the same premises.

**PRIVY** - A pit for collection of human wastes.

**PUBLIC FACILITY** - Any facility, including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased or otherwise operated or funded by a governmental body or public entity.

**RECENT FLOOD PLAIN SOILS** - Includes these soils listed by the National Cooperative Soil Survey: Alluvial Land, Hadley Silt Loam, Limerick Silt Loam, Ondawa Pine Sandy Loam, Podunk Pine Sandy Loam, Rumney Pine Sandy Loam, Saco Silt Loam, Suncook Loamy Sand, Winooski Silt Loam.

**RECREATIONAL FACILITY** - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

**RECREATIONAL VEHICLE** - A vehicle or an attachment to a vehicle designed to be towed, and designed for temporary sleeping or living quarters for one or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground, and must be registered with the State Division of Motor Vehicles.

**REPLACEMENT SYSTEM** - A system intended to replace: 1) an existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure, or 2) any existing overboard wastewater discharge.

**RESIDENCE-RESIDENTIAL DWELLING UNIT** - A room or group of rooms for the use of one family as living quarters, whether temporary, seasonal or permanent. Mobile homes are included.

**RESIDUAL BASAL AREA** - the sum of the basal area of trees remaining on a harvested site.

**RIPRAP** - Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

**RIVER** - A free-flowing body of water including its associated flood plain wetlands from the point at which it provides drainage for a watershed of twenty five (25) square miles to its mouth.

**ROAD** - A route or track consisting of a bed of exposed mineral soil, gravel, asphalt, or other surfacing material constructed for or created by the repeated passage of motorized vehicles.

**SERVICE DROP** - any utility line extension which does not cross or run beneath any portion of a water body provided that: a) in the case of electric service the placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way and the total length of the extension is less than one thousand (1,000) feet; and b) in the case of telephone service the extension, regardless of length, will be made by the installation of telephone wires to existing utility poles, or the extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

**SETBACK** - The distance of a structure from the normal high water mark.

**SHORE FRONTAGE** - The length of a lot bordering on a water body measured in a straight line between the intersections of the lot lines with the shoreline at normal high-water elevation.

**SHORELAND ZONE** - The land areas located within two hundred and fifty (250') feet, horizontal distance, of the normal high water line of any great pond, or river; within 250 feet of the upland edge of a freshwater wetland; or within 75 feet of the normal high-water line of a stream.

**SIGNIFICANT RIVER SEGMENTS** - See Title 39 M.R.S.A. Sec. 437.

**STREAM** - A free-flowing body of water from the outlet of a great pond or the confluence of 2 perennial streams as depicted on the most recent edition of the U.S. Geological Survey 7.5 minute series topographic map, or if not available, a 15 minute series topographic map, to the point where the body of water becomes a river.

**STRUCTURES** - Anything except fences, piers, docks and retaining walls, etc., built for the support, shelter or enclosure of persons, animals, goods or property of any kind. A Principal Structure is that in which the primary use of the lot is conducted. An Accessory Structure is customarily auxiliary, subordinate or incidental to the Principal Structure.

**SUBSTANTIAL START** - Completion of 30% of a permitted structure or use measured as a percentage of estimated total cost.

**SUBSURFACE SEWAGE DISPOSAL SYSTEM** - A collection of treatment tank(s), disposal area(s), holding tank(s), and pond(s), surface spray system(s), cesspool(s), well(s), surface ditch(es), alternative toilet(s), or other devices and associated piping designed to function as a unit for the purpose of disposing of wastes or wastewater on or beneath the surface of the earth. The term shall not include any wastewater disposal system licensed under 38 M.R.S.A. Section 414, any surface wastewater disposal system licensed under 38 M.R.S.A. Section 413 Subsection 1-A, or any public sewer. The term shall not include a wastewater disposal system designed to treat wastewater which is in whole or in part hazardous waste as defined in 38 M.R.S.A. Chapter 13, subchapter 1.

**SUSTAINED SLOPE** - A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

**TIMBER HARVESTING** - The cutting and removal of trees, including the operation of the machinery required therefor. Does not include the making of roads even though made for timber harvesting purposes.

**TRIBUTARY STREAM** - A channel between defined banks created by the action of surface water intermittent or perennial, and which is characterized by the lack of upland vegetation

or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a waterbody or wetland as defined. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving waterbody or wetland.

**UPLAND EDGE** - The boundary between upland and wetland.

**VEGETATION** - All live trees, shrubs, ground cover, and other plants including, without limitation, trees both over 4 inches in diameter, measured at 4½ above ground level.

**VERANDA** - A flat-floored roofed area attached to a structure.

**VOLUME OF A STRUCTURE** - The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

**WATER BODY** - any great pond, river, stream or tidal area.

**WATER CROSSING** - Any project extending from one bank to the opposite bank of a river or stream, whether under, through or over the water course. Such projects include, but may not be limited to, roads, fords, bridges, culverts, water lines, and cables as well as maintenance work on these crossings.

**WETLAND** - Areas enclosed by the normal high water mark of waterbodies, 10 acre minimum in size, and otherwise identified by distinctive soils and vegetation. Includes swamps, marshes, bogs, etc.

**WETLAND ASSOCIATED WITH GREAT PONDS AND RIVERS** - Wetlands contiguous with or adjacent to a great pond or river, and which during normal high water, are connected by surface water to the great pond or river. Also included are wetlands which are separated from the great pond or river by a berm, causeway, or similar feature less than 100 feet in width, and which have a surface elevation at or below the normal high water line of the great pond or river. Wetlands associated with great ponds or rivers are considered to be part of that great pond or river.

# ACCOMPANYING LIST OF SHORELINE ZONING DISTRICTS

(As indicated on the Official Map of Embden)

DISTRICT LOCATION ON SHORELINE	DISTRICT DESIGNATION	REASON
<u>BLACK HILL POND</u>		
From Black Hill Stream outlet westerly and northwesterly along the southern shoreline for 1200'.	LR-R	**
300' straddling, equally on either side, the ravine and drainageway entering Pond at middle of the northern shore.	LR-R	**
Balance of entire shoreline area.	RP	Slopes over 25%
<u>BOYNTON POND</u>		
Complete Pond in its entirety.	RP	State of Maine Preserve
<u>EMBDEN POND</u>		
Unit #37 of Snowshoe Village Resort subdivision as approved 7 July 1988, consisting of the Country Lodge, its parking area, storage shed and access drive, this parcel having 178' frontage on West Shore Road, 186' depth to the south, 90' easterly frontage facing the Pond and running 250' on its northern boundary.	LC	Established business
Unit #8 of Snowshoe Village Resort subdivision as approved 7 July 1988, 70' x 90' lot plus the parking and picnic areas to the south of Unit #8.	LC	Established business

DISTRICT LOCATION ON  
SHORELINE

DISTRICT  
DESIGNATION

REASON

EMBDEN POND (CON'T)

Include the property of Dexter Higgins extending approximately 75' north and 75' south of Hancock Steam, fronting westerly on West Shore Road and easterly 50' inland from the shoreline.

LC

Established business

Where the west shore of the Pond turns almost east to form the north shore, there is an inlet of the sometimes called "Beaver Brook." Include from this inlet to 250' east along the northern shoreline.

RP

Wetland Bog

On the northern, shore from 300' west of the Witham/Hunnewell Brook inlet to the centerline of the inlet itself.

RP

Wetland Bog

East shore, beginning 100' north of land now or formerly of Allen Walker, then running northwesterly for 600'.

RP

Wetland Bog

Balance of entire shoreline area.

LR-R

\*\*

FAHI POND

From the northern boundary of land of J & J Creamer on the west shore, northerly along shoreline to include entire northern sector of pond, stopping on eastern shore at northern boundary of property of F.A. Brunelle.

RP

State of Maine Preserve

Balance of entire shoreline area.

LR-R

\*\*

DISTRICT LOCATION ON  
SHORELINE

DISTRICT  
DESIGNATION

REASON

HANCOCK POND

From the eastern intersection of the Lexington town line with the shoreline, proceed in a generally southeasterly direction along the northern shore to include the property of R. St. Germain.

LR-R

Density of existing construction

From the western intersection of the Lexington town line with the shoreline, proceed in a generally southeasterly direction along the southwest shore to include the property of B. Burke, R. Schnair and D. Smith.

LR-R

To allow residential building throughout by permit.

Balance of all shoreline properties, or portions thereof, not included within the Districts described above.

RP

Source of public water.

MUD POND

Complete pond in its entirety.

RP

State of Maine Preserve

SANDY POND

800' centered on the extreme northern shore.

RP

Wetland Bog

2,000' centered equally on either side of the outlet running into Fahi Pond.

RP

Wetland Bog

Balance of entire shoreline.

LR-R

\*\*

DISTRICT LOCATION ON  
SHORELINE

DISTRICT  
DESIGNATION

REASON

CARRABASSETT RIVER

From New Portland boundary  
southeasterly along Cadie  
Crotch Road to the southerly  
boundary of Kate Blodgett  
(Tax Map 4, Lot 1-1).

75' LSD

Road is adjacent to  
river. NE side of road  
is already sold in  
house lots and portion  
does not meet criteria  
for resource protection

Balance of entire shoreline in Embden.

RP

Flood plains extend  
250' inland.

KENNEBEC RIVER

From Concord boundary southerly  
to 800' north of Caratunk Falls Dam.

100' LSD

Steep riverbanks  
extend 100' inland.

From 800' north of Caratunk Falls

GD

Existing CENTRAL  
MAINE POWER  
COMPANY  
hydroelectric station.

Dam southerly to 800' south of said dam.

From the entrance of a bay pointing  
westerly from the main river channel  
and forming then northern boundary  
of the Atwood lot at a point about  
4/5ths of a mile below the Caratunk  
Falls Dam, southerly to a line within  
the Philpot lot that runs due east from  
the northernmost edge of the junction  
of Martin Stream and Concord Road  
(Rt. 16) to the main river channel.

100' LSD

Steep riverbanks  
and/or flood plains  
extend 100'.

From the Solon Bridge southerly to  
the southern boundary of the Gerhke lot.

LR-R

Existing houses within  
250' zone.

From the southern boundary of the  
Hodgdon lot to a line 200' south  
of the northern boundary of the Piper lot.

75' LSD

Steep riverbanks  
extend 75' inland.

DISTRICT LOCATION ON  
SHORELINE

DISTRICT  
DESIGNATION

REASON

KENNEBEC RIVER (CON'T)

From the southern boundary of the Steven Fenlason lot to the northern boundary of the G. and P. Mullin lot.

100' LSD

Steep riverbanks and/or flood plains extend 100' inland.

From the northern boundary of the G & P Mullin lot to a line 200' north of the southern boundary of the G & P Mullin lot.

75' LSD

Steep riverbanks and/or flood plains extend 75' inland.

Balance of the entire shoreline in Embden.

RP

Steep riverbanks and/or flood plains extend 250' inland.

MILL STREAM

From 250' south of the outlet of Embden Pond the entire shoreline within Embden.

SP

Outlet Great Pond.

MEADOW BROOK

From the land of Lewis F. Morton where two perennial streams junction flowing northwesterly approximately 2,500' to the New Portland town line.

SP

Confluence of two perennial streams.

BLACK HILL STREAM

From 250' south of the outlet of Black Hill Pond to the junction of the Mill Stream.

SP

Outlet Great Pond

DISTRICT LOCATION ON  
SHORELINE

DISTRICT  
DESIGNATION

REASON

HANCOCK STREAM

From 250' south of the outlet of  
Hancock Pond to within 250' on  
the inlet of Embden Pond.

SP

Outlet Great Pond

WITHAM BROOK

From the Concord town line to  
within 250' of the inlet of Embden  
Pond the entire shoreline within Embden.

SP

Outlet Great Pond &  
confluence of 2  
perennial streams.

MARTIN STREAM

From the Concord town line on  
land of Lovell M. Berry to the  
Kennebec River the entire shoreline  
in Embden.

SP

Confluence of two  
perennial streams.

MILL STREAM

From the Concord town line where  
the Mill Stream is a division  
between land of Lisa Saylor and  
land of George M. Kiger, Jr. to the  
junction of Martin Stream the entire  
shoreline in Embden.

SP

Confluence of two  
perennial streams.

FAHI BROOK

From 250' south of the outlet of  
Fahi Pond to the No. Anson town  
line the entire shoreline in Embden.

SP

Outlet Great Pond.

FRESHWATER WETLAND (#45)

From the upland edge of the complete  
property of the State of Maine which  
abuts Fahi Pond and which encompasses  
both Mud Pond and Boynton Pond.

RP

State of Maine Preserve

DISTRICT LOCATION ON  
SHORELINE

DISTRICT  
DESIGNATION

REASON

DOES  
NOT

HANCOCK STREAM

From 250' south of the outlet of Hancock Pond to within 250' on the inlet of Embden Pond.

SP

Outlet Great Pond

WITHAM BROOK

From the Concord town line to within 250' of the inlet of Embden Pond the entire shoreline within Embden.

SP

Outlet Great Pond & confluence of 2 perennial streams.

MARTIN STREAM

From the Concord town line on land of Lovell M. Berry to the Kennebec River the entire shoreline in Embden.

SP

Confluence of two perennial streams.

MILL STREAM

From the Concord town line where the Mill Stream is a division between land of Lisa Saylor and land of George M. Kiger, Jr. to the junction of Martin Stream the entire shoreline in Embden.

SP

Confluence of two perennial streams.

FAHI BROOK

From 250' south of the outlet of Fah Pond to the No. Anson town line the entire shoreline in Embden.

SP

Outlet Great Pond.

FRESHWATER WETLAND (#45)

From the upland edge of the complete property of the State of Maine which abuts Fah Pond and which encompasses both Mud Pond and Boynton Pond.

RP

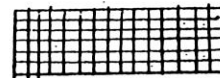
State of Maine Preserve

KEY TO THE OFFICIAL MAP  
OF THE SHORELAND ZONING ORDINANCE AND ITS  
ACCOMPANING LIST

GENERAL DEVELOPMENT (GD)  
DISTRICT



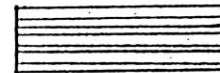
LIMITED COMMERCIAL (LCD)  
DISTRICT



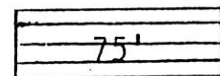
LIMITED RECREATIONAL-RESIDENTIAL (LR-R)  
DISTRICT



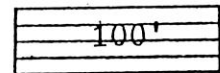
RESOURCE PROTECTION (RP)  
DISTRICT



SEVENTY-FIVE FOOT LATERALLY SPLIT (75' LSD)  
DISTRICT



ONE HUNDRED FOOT LATERALLY-SPLIT (100' LSD)  
DISTRICT



STREAM PROTECTION (SP)  
DISTRICT



WETLANDS OF 10 ACRES OR MORE  
DISTRICT



Zoning district map markings are too large for locating exact boundaries. For precise locations, refer to Accompanying List. In most cases, markings lie in water areas.

\*\* Housing density areas and shoreland areas that do not meet the definition of any other district are classified as being Limited Recreational-Residential District (LR-R)

TOWN OF  
**EMBDEN**  
ROBERT COUNTY, ILLINOIS



Accepted \_\_\_\_\_

Contract \_\_\_\_\_

Date January 1992

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**WATERBURY, CT**  
**02491**

AMENDMENTS  
TO EMBDEN SHORELAND ZONING ORDINANCE

<u>DATE</u>	<u>SECTION</u>	<u>EFFECT OF AMENDMENT</u>
2 March 1974	5.11	Standards for signs effective in all SZ districts
2 March 1974	5.13.1	Primary structures have 75' setback in all districts
2 March 1974	5.14.1	No timber slash may be left within 50' of HWM
2 March 1974	5.14.3	No mineral soil shall be bared on SZ on slopes over 70%
1 March 1975	6.4	Clarification what variances are permissible.
1 March 1975	Article 10	"Definitions" added.
6 March 1976	6.2.1.2	Exterior construction requires PB permit.
6 March 1976	6.2.1.2	Commercial or industrial activities requires PB permit.
6 March 1976	6.2.1.2 (Table)	PB grants all permits CEO grants none.
20 June 1979	3.3, 3.4 (Official Map & accomp. list)	Established 75' LSD and 100' LSD along specified sectors of the Carrabassett and Kennebec Rivers.
14 Dec. 1979	Map & accomp. list - Hancock Pond	All northern and northwestern GD & RP sectors of Hancock Pond redistricted to LR-R. Southern sector of pond remains in RP District.
19 Nov. 1988	Article 4	Non-conforming uses: inc. 4.1 - definition 4.2 - permitted practices 4.3; 4.3.1; 4.3.2; 4.3.3; 4.3.4 - exceptions
19 Nov. 1988	5.2	Beach construction requires DEP permit.
19 Nov. 1988	5.4	Clearing of the Shoreland Area.
19 Nov. 1988	5.5	Erosion & Sedimentation Control grading of slopes greater 25%
19 Nov. 1988	5.10	Sewage disposal systems to comply with State of Maine rule.
19 Nov. 1988	6.4	Clarification of variances.
19 Nov. 1988	6.4.2	Hardship clarification.
19 Nov. 1988	Article 10	Definitions added.
19 Nov. 1988	SZD	600' on East Shore; change from LR-R to RP. 2 lots on East Shore from LR-R to GD.
11 Apr. 1992	4.4.2	Clarification of non-conforming contiguous built lots.
11 Apr. 1992	4.4.3	Clarification of conveying non-conforming contiguous lots - vacant

		or partially built.
19 May 1993	4.3.5	Clarification of 30% addition allowance at 50' set back on non-conforming structures.
19 May 1993	4.3.7	Replaced word "should" with "shall".
19 May 1993	5.8.4	Added sub-article for essential services - Land Use Standards.
19 May 1993	6.5	Changed 30 days to 45 days.
19 May 1993	Land Use Chart	Changed Mineral Extraction from PB to Prohibited in Resource Protection District.
19 May 1993	Land Use Chart	Changed Industrial from PB to Prohibited in Limited Commercial District.
19 May 1993	Land Use Chart	Added General Development.
19 May 1993	Definitions	Included structure height.
4 March 1994	6.2	Code Enforcement Officer issues Shoreline Zoning Permits.
3 March 1995	Shoreline Zoning District List	Change lot on Embden Pond from RP to LR-R; Change lot on Kennebec River from RP to 100' LSD.
March 1998	Shoreline Zoning District List	Change a portion of the Carrabassett River from the New Portland boundary to the southerly boundary of land of Kate Blodgett from PR to 75 LSD
6 Mar 1999	6.2.1.2	Replace words code enforcement officer in line 6 and line 11 with words planning board and approved by code enforcement officer
6 Mar 1999	6.2.2	Replace words code enforcement in line 2 and replace words board in line 3 with words planning board and code enforcement
6 Mar 1999	Land Use Table	Replacing letter CEO with the letters PB and CEO in table of land use
6 Mar 1999	6.2.3.2	Replacing the words Code Enforcement with words Planning Board and approved by Code Enforcement
4 Mar 2000	5.10.4 & 5.10.4.1	Addition to sewage disposal system ordinance 12/01/02 deadline to provide documents that system was installed after 7/1/74
4 Mar 2000	5.10.4.2	To install new subsurface waste water disposal system to comply with State Rules
4 Mar 2000	5.10.4.3	Failure to comply by 12/31/02 shall constitute violation and subject to enforcement action
4 Mar 2000	Definitions	Add definitions for Deck, Piazza, Porch and Veranda
3 Mar 2001	Shoreline Zoning District List	To remove from LC (limited commercial) District; Unit #37 and #8 of Snowshoe Village Resorts subdivision and the property of Dexter Higgins
17 June 2002	Shoreline Zoning District List	To extend 75' LSD along the side of the Carrabassett River from SE line of Brent and Katherine Smith (Map 4, Lot 1-1) to SE corner of Winston and Linda Ford lot (Map 4, Lot)